



## City of Milpitas

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PLANNING AND  
NEIGHBORHOOD  
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SECOND  
FAMILY UNIT

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City of Milpitas

## WHAT IS A SECOND FAMILY UNIT?

A Second Family Unit is an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes an efficiency unit as defined in Section 17958.1 of the State Health and Safety Code, and a manufactured home, as defined in Section 18007 of the State Health and Safety Code.

## SECOND FAMILY UNIT STANDARDS:

Any application for second family unit that meets the following criteria shall be approved ministerially without discretionary review or public hearing.

One second family unit may be allowed per lot, subsection to all of the following criteria:

1. The lot is residentially zoned and contains only one (1) existing, legal single-family dwelling unit. A maximum of one (1) second family unit shall be permitted on any lot.
2. The second family unit shall not be sold to a different owner than the main residence, and may be rented.
3. If attached to the main dwelling, the second family unit shall comply with the same building height, setback, rear yard coverage and lot coverage requirements and limitations as the main dwelling.
4. An attached second family unit shall be located within the living area of the existing dwelling. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage.
5. The increased floor area of an attached second family unit in a non-Hillside combining district shall not exceed thirty (30%) percent of the existing living area, not to exceed four hundred seventy-five (475) square feet in size.
6. A detached second family unit in a non-Hillside combining district shall be located on the rear half of the lot, shall not exceed fifteen (15) feet in height, and shall be no closer than six (6) feet, and no farther than one hundred (100) feet, from the main dwelling or closer than fourteen (14) feet

from a dwelling on an adjacent lot, shall not be closer than three (3) feet to the rear or side property line or seven (7) feet from the side line of the front ½ of any adjacent lot, and cumulatively, with other accessory structures, shall not exceed 30% of the area of the required rear yard.

7. The increased floor area of an attached second family unit in the Hillside combining district shall not exceed thirty (30%) percent of the existing living area, not to exceed one thousand two hundred (1,200) square feet in size. However, in no case shall the overall building size exceed 6,000 square feet on parcels less than 3 acres in size or 10,000 square feet on parcels 3 acres or larger in size.
8. A detached second family unit in the Hillside combining district shall not exceed seventeen (17) feet and one (1) story from finished grade to the highest ridgeline of the building, and it shall not exceed one thousand two hundred (1,200) square feet in size. It shall be located on the rear half of the lot, and shall be no closer than six (6) feet, and no farther than one hundred (100) feet, from the main dwelling, shall not cover more than thirty (30%) percent of the required rear yard, shall conform to the side yard setback requirements as the main dwelling, and shall count towards the maximum allowed impervious surface coverage for the parcel on which it is located.
9. A second family unit which is an efficiency unit, (occupied by no more than two persons, having a minimum floor area of 150 square feet and may also have partial kitchen or bathroom facilities), shall not contain less than one hundred fifty (150) square feet.
10. The second family unit shall not have more than one (1) bedroom or more than one (1) kitchen.
11. The second family unit shall provide one (1) more off-street parking space than required for a single-family dwelling. This additional parking space may be tandem and within the required front yard so long as it is located on the driveway serving the main dwelling. Front yard coverage is restricted to the width of the garage or fifty (50) percent of the lot width measured at the front property line, whichever is greater. Walkways not used for vehicular parking do not count towards coverage limits. No parking shall be permitted on the street side yard of a corner lot. Covered parking structures shall be located on the rear half of the lot, shall not exceed fifteen (15) feet in height in the R1 and R2 zoning districts, and shall be no closer than six (6) feet, or closer than fourteen (14) feet from a dwelling on an adjacent lot, shall not be closer than three (3) feet to the rear or side property line or seven (7) feet from the side line of the front ½ of any adjacent lot, and cumulatively, with other accessory structures, shall not exceed 30% of the area of the required rear yard. Parking spaces shall measure ten (10) feet by twenty (20) feet, and be paved with asphalt concrete or portland cement on a prepared base to City standards.

12. Local building codes shall apply to additions to existing single-family dwellings, as well as to detached second family units, as appropriate.
13. A permanent foundation shall be required for all second family units.
14. One (1) of the two (2) units shall be occupied by the owner of the property at the time of application submittal.
15. Any construction shall conform to site and architectural plan review, fees, charges and other zoning requirements applicable to residential construction in the zone in which the property is located.
16. The second family unit shall be designed to be architecturally compatible and visually integrated with the main dwelling. It shall employ design, materials and colors matching those of the main dwelling.
17. Second family units shall not be allowed where roadways, public utilities and services are inadequate, as determined by City staff, based on the City's adopted sewer and water master plans. If City staff believe that an additional residential unit will impact traffic flow along the residential street on which the unit is proposed, the applicant shall provide a traffic impact analysis for staff review. The applicant shall comply with the recommendations contained in the traffic impact analysis.

A second family unit which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second family units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

## OTHER REQUIREMENTS?

For answers to other questions, you may contact the Planning Department.